

Message Text

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C O N F I D E N T I A L USUN 2910

E.O. 11652: GDS

TAGS: PGOV, PFOR, TSPA, CCD, PARM

SUBJECT: EXTENSION TO BERLIN OF ENMOD CONVENTION:

DEPOSITARY PROCEDURE

REF: BONN 11947

1. WE WOULD LIKE TO OFFER COMMENT ON MULTILATERAL CONVENTION
MULTIPLE DEPOSITARY PRACTICE IN THE LIGHT OF THE FOUR OUTER
SPACE TREATIES. IN NEGOTIATING THE OUTER SPACE TREATY IN 1966
WE BORROWED THE TRIPLE DEPOSITARY FORMAT OF THE LIMITED TEST
BAN TREATY IN ORDER TO INSURE, AS IN THE CASE OF THE LTBT, THAT
ANY FRG SIGNATURE OR ACCESSION WOULD BE GIVEN AUTHORITATIVE
ACCEPTANCE. THE CONSIDERABLE BURDEN ON THE UNITED STATES AS
ONE OF SEVERAL DEPOSITARY GOVERNMENTS AND THE INEVITABLE LEGAL
UNCERTAINTIES OF THE SYSTEM AT THAT TIME SEEMED PLAINLY
JUSTIFIED BY THE IMPORTANCE OF BRINGING THE FRG -- AND, FOR
THAT MATTER, THE GDR -- INTO MULTILATERAL ARMS CONTROL AND
OUTER SPACE TREATY RELATIONS.

2. WITH THE ENTRY OF THE FRG AND THE GDR INTO THE UN IN
1973, THE NEED FOR THIS PRACTICE CEASED. THUS IN NEGOTIATING
THE FOURTH OUTER SPACE TREATY IN 1974, THE CONVENTION ON THE
REGISTRATION OF OBJECTS LAUNCHED INTO OUTER SPACE, WE INSISTED
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THAT THE UN SECRETARY-GENERAL SHOULD BE RESTORED AS THE SOLE

DEPOSITARY FOR MULTILATERALS NEGOTIATED IN UN BODIES. THE SOVIETS INITIALLY RESISTED, APPARENTLY FROM SOME EXOTIC PRESTIGE CONSIDERATIONS, BUT EVENTUALLY ACQUIESCED. OUR OPPOSITION TO CONTINUING THE MULTIPLE DEPOSITARY PRACTICE PROVED POPULAR WITH A NUMBER OF SMALLER COUNTRIES, E.G. ARGENTINA AND BRAZIL, WHICH HAD NEVER LIKED THE PRACTICE BECAUSE (THE BRITISH DEPOSITARY APART) IT APPEARED TO GIVE THE SUPER POWERS SOME SPECIAL ROLE IN THE FORMAL ASPECTS OF MULTILATERAL TREATY IMPLEMENTATION.

3. FROM THIS VANTAGE THERE IS NO BASIS FOR BELIEVING THAT CONSTITUTING THE SYG AS SINGLE DEPOSITARY FOR ARMS CONTROL MULTILATERALS WOULD CREATE DIFFICULTIES FOR THE US, UK AND FRANCE OR THE FRG IN OBTAINING APPROPRIATE CIRCULATION OF RESPONSES TO SOVIET COMPLAINTS ON THE APPLICATION OF NEW TREATIES TO BERLIN.

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